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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,407	08/10/2001	Yong Seon Choi	K-0312	5736

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,407

Applicant(s)

CHOI, YONG SEON

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment was entered on August 16, 2004 wherein:
 - claims 1-13 and 15-19 are pending;
 - claim 14 has been canceled;
 - claims 7, 12, 13, and 15-17 have been amended; and
 - claims 18-19 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 and 15-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application No. US 2002/0035515 A1 (hereinafter "Moreno").

Moreno discloses a method and system for remotely coordinating secure delivery of goods utilizing a network server, a kiosk, heated/cooled lockers, user notification, a transaction and customer information database, online ordering, and sensors as required by claims 1-17.

4. Claims 1, 2, 6-11, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,344,796 (hereinafter "Ogilvie").

Regarding **claim 1**, Ogilvie discloses a goods delivery system comprising: a sever network having a acceptance part for receiving a request for purchase or return of goods from a customer online (see Figure 4, "Buy Goods Online"); a settlement part for performing the settlement of the purchased goods on online (it is inherent that transaction settlement is performed online when consumers "Buy Goods Online"), and a data sending/receiving part (20, central operations controller) for sending or receiving a statement of goods delivery or goods return; a plurality of kiosks (10; see Figure 1; see column 5, lines 54-65), each kiosk having a data sending/receiving part connected to the server network (see Figure 2) for receiving information of the statement of the goods delivery generated from the server network and for sending information of the statement of the goods return, and a plurality of goods custody parts (12) for temporarily keeping the delivered or returned goods, a receipt authority confirming part for confirming whether or not a goods recipient has the authority to receive the goods (see column 6, lines 32-36), and a controlling part for generally controlling the components of the kiosk (20); and a database (see paragraph bridging columns 5-6) linked with the server network, the database storing information of a statement received through the acceptance part, information of a statement of goods settlement, information of the current condition of the kiosks, information of each customer (see column 6, line 1), information of goods delivery and information goods return; **[claim 2]** the kiosk includes settlement processing means connected to various financial institutions in online for allowing the customer to directly settle accounts of the goods (as set forth above, online settlement is inherent when consumers "Buy Goods Online"); and **[claim 6]** the kiosk further includes a notifying part for notifying information of the goods

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custody to the corresponding customer's terminal or the server network if it is confirmed that the goods are put in the goods custody part (see column 6, lines 33-37).

Regarding **claim 7**, Ogilvie discloses a method for operating a goods delivery system, the method comprising the steps of: making a server network demand a customer to input various information required for goods selling and goods delivery when the customer requests purchase of various goods through an acceptance part of the server network (see Figure 4, "Buy Goods Online"); forming database the input information when the information is input, storing data into an database and transferring a statement of goods delivery of the corresponding goods to a kiosk installed at a place designated by the customer (see column 6, lines 6-26); continuously confirming whether or not the goods to be put in the kiosk are delivered based on the statement of goods delivery receiving from the server network; notifying information of delivery confirmation from the kiosk to the server network when the goods are delivered (see notification in Figure 4); and notifying the delivery of the corresponding goods to a goods recipient by the kiosk or the server network (see notification in Figure 4); **[claim 8]** a step of requesting to select one of various confirming methods for determining the recipient's authority for receiving the goods in the goods purchase accepting step of the server network for allowing the right recipient to receive the goods (see access code in column 6, lines 27-45); **[claim 9]** the method for confirming the recipient's authority for goods receipt is at least one of confirming methods through input an ID, a resident registration number or a secret number, which only the corresponding recipient can recognize (see access code in column 6, lines 27-45); **[claim 10]** the step of accepting the customer's goods purchase request includes the steps of: generating a secret number (access code) to be input in a receipt authority confirming part of the kiosk when the

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recipient receives the goods; obtaining the recipient's terminal information from various purchase information received from the customer; and transferring the generated secret number to the kiosk and the recipient's terminal (see column 6, lines 27-45); **[claim 11]** if the kiosk receives a statement of goods delivery from the server network, the kiosk is operated by the steps of: searching extra goods custody parts capable of keeping the goods in custody and extracting the ID number; generating a secret number (access code) to be input into the receipt authority confirming part for receiving the goods kept in the searched goods custody part; and transferring the extracted ID number of the goods custody part and the generated secret number to the recipient or the customer's terminal; if the customer requests return of the goods through the kiosk installed at the place designated by the customer, the kiosk is operated by the steps of: requesting to input at least one of customer information (access code), goods receiving date and goods name; confirming the server network, which has sold the corresponding goods, based on the input information; and transferring information of a statement of goods return and information of the place, where the corresponding kiosk is installed, to the confirmed server network; **[claim 15]** further comprising the steps of: requesting the customer to select a place to which the goods are returned if the customer requests the return of the goods through the acceptance part of the server network; transferring a statement of return of the corresponding goods to the kiosk installed at the place for the return of the goods if the place for the return of the goods is selected; continuously confirming by the kiosk whether or not the corresponding goods are returned, based on the statement of return received from the server network; and notifying the fact that the corresponding goods are returned (see notification in Figure 4), from the kiosk to the server network if the corresponding goods are returned; **[claim 16]** the step of

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confirming the server network, which has sold the corresponding goods, based on information input by the customer includes the steps of: temporarily storing information of the statement of delivery of the goods transferred from the server network and recipient information input by the recipient during an available return period of time when the recipient receives the goods; comparing the temporarily stored information to various information input by the customer if there is a request of goods return from the customer within the available return period of time; and confirming the server network, which has sold the corresponding goods; and **[claim 17]** further comprising the steps of: setting a prescribed goods receiving period of time based on an expected goods receiving time input by the customer at the time of initial goods selling; and if the goods are kept in the kiosk in custody and the recipient does not take the corresponding goods within the set receiving period of time, notifying it to the corresponding server network by the kiosk to perform the return of the goods (it inherent that good that are not picked up by customers will be returned to the seller).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3, 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie in view U.S. Patent No. 5,223,829 (hereinafter "Watabe").

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Ogilvie fails to expressly disclose the use of a sensor to determine the presence of a product in a locked box.

Watabe teaches the use of a sensor for detecting the presence of an object in a locked box (see column 2, lines 20-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogilvie with the sensor taught by Watabe, because the occupation sensor allows users and the operation control system to easily track the usage of lock boxes without the need to manually verify the condition of each lock box.

7. Claims 5 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie in view U.S. Patent No. 5,774,053 (hereinafter "Porter").

Ogilvie fails to expressly disclose a temperature controlling device inside a lock box.

Porter teaches the use of operating a heating/cooling system in side the lock box (see paragraph bridging columns 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogilvie with the heating/cooling system taught by Porter, because utilizing a heating/cooling system allows food or other temperature sensitive items to maintain the appropriate environment to better preserve the quality of the items until the user is available to pick up the delivery.

Response to Arguments

8. Applicant's arguments filed August 16, 2004 have been fully considered but they are not persuasive.

On page 12, final paragraph (continued on page 13), Applicant argues that the applied references do not disclose “a plurality of kiosks, where each kiosk has a data/receiving part connected to the server network for receiving information on the statement of the goods delivery generated from the server network and for sending information on the statement of the goods returned (underline added by Applicant).” The Examiner respectfully disagrees. Moreno clearly allows the original receiver of the goods the ability to “redeliver” (see paragraph #0094 on page 10) or “return” (see paragraph #0105 on page 11) to the manufacturer or original sender utilizing the remote delivery locker system (see also paragraph #0097).

On page 13, second full paragraph, Applicant argues that Ogilvie fails to teach or suggest the plurality of kiosks where each kiosk has a data sending/receiving part for sending information of a statement of goods returned as recited in independent claim 1. The Examiner respectfully disagrees. In column 2, lines 13-16, Ogilvie discloses that individuals can deposit outgoing goods for pickup. Therefore, the customer can return packages to the original sender by depositing the original goods for return.

On page 13, final paragraph, Applicant argues that new limitations of claim 7 related to “if the customer requests return of goods through the kiosk” is not taught by the applied references. First, both Moreno and Ogilvie disclose returning goods as set forth in the previous two paragraph. Secondly, Applicant’s use of an “if” statement fails to positively claim the limitations following the “if” statement. Claim 7 only requires the kiosk to operate as set forth in the new limitations “if” a customer requests return of good through the kiosk. However, if the customer does not require the return of goods, then those limitations are not positively cited. Claims 15 and 18 are rejected for similar reasons.

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On page 15, first full paragraph, Applicant argues that the limitations of claims 5 and 12 related to temperature are not taught by the applied references. First, Moreno discloses locker temperature control (see paragraphs #0008, 0023, 0052, and 0056). Secondly, Porter discloses locker temperature control (see column 2, lines 49-53).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

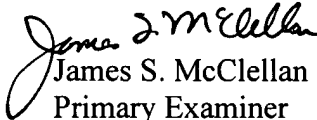
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Primary Examiner
A.U. 3627

jsm
October 22, 2004